

DEPARTMENT OF THE ARMY JACKSONVILLE DISTRICT CORPS OF ENGINEERS 4400 PGA BLVD., SUITE 500 PALM BEACH GARDENS, FLORIDA 33410

Palm Beach Gardens Section SAJ-1999-5265(IP-JWH)

ACT 6 6 2008

Palm Beach County
Department of Environmental Resources Management
2300 North Jog Road
West Palm Beach, FL 33411-2743

Gentlemen:

The U.S. Army Corps of Engineers (Corps) is pleased to enclose the Department of the Army permit, which should be available at the construction site. Work may begin immediately but the Corps must be notified of:

- a. The date of commencement of the work,
- b. The dates of work suspensions and resumptions of work, if suspended over a week, and
 - c. The date of final completion.

This information should be mailed to the Enforcement Section of the Regulatory Division of the Jacksonville District at Post Office Box 4970, Jacksonville, Florida 32232-0019. The Enforcement Section is also responsible for inspections to determine whether Permittees have strictly adhered to permit conditions.

IT IS NOT LAWFUL TO DEVIATE FROM THE APPROVED PLANS ENCLOSED.

Sincerely,

Osvaldo Collazo

Chief, Requlatory Division

Enclosures

Copies Furnished:

CESAJ-RD-PE

NOTIFICATION OF ADMINISTRATIVE APPEAL OPTIONS AND PROCESS AND REQUEST FOR APPEAL

Applic	ant: Palm Beach County ERM	File Number: SAJ-1999-5265(IP-JWH)	Date: (1) (1) (1) (2) (1)
Attach	See Section below		
	INITIAL PROFFERED PERMIT (Standard Permit or L	etter of permission)	A
X	PROFFERED PERMIT (Standard Permit or Letter of permission)		В
	PERMIT DENIAL		С
	APPROVED JURISDICTIONAL DETERMINATION		D
	PRELIMINARY JURISDICTIONAL DETERMINATION	ON	E

SECTION I - The following identifies your rights and options regarding an administrative appeal of the above decision. Additional information may be found at http://usace.army.mil/inet/functions/cw/ceewo/reg or Corps regulations at 33 CFR Part 331.

- A: INITIAL PROFFERED PERMIT: You may accept or object to the permit.
- ACCEPT: If you received a Standard Permit, you may sign the permit document and return it to the district engineer for final
 authorization. If you received a Letter of Permission (LOP), you may accept the LOP and your work is authorized. Your
 signature on the Standard Permit or acceptance of the LOP means that you accept the permit in its entirety, and waive all rights
 to appeal the permit, including its terms and conditions, and approved jurisdictional determinations associated with the permit.
- OBJECT: If you object to the permit (Standard or LOP) because of certain terms and conditions therein, you may request that the permit be modified accordingly. You must complete Section II of this form and return the form to the district engineer. Your objections must be received by the district engineer within 60 days of the date of this notice, or you will forfeit your right to appeal the permit in the future. Upon receipt of your letter, the district engineer will evaluate your objections and may: (a) modify the permit to address all of your concerns, (b) modify the permit to address some of your objections, or (c) not modify the permit having determined that the permit should be issued as previously written. After evaluating your objections, the district engineer will send you a proffered permit for your reconsideration, as indicated in Section B below.
- B: PROFFERED PERMIT: You may accept or appeal the permit
- ACCEPT: If you received a Standard Permit, you may sign the permit document and return it to the district engineer for final authorization. If you received a Letter of Permission (LOP), you may accept the LOP and your work is authorized. Your signature on the Standard Permit or acceptance of the LOP means that you accept the permit in its entirety, and waive all rights to appeal the permit, including its terms and conditions, and approved jurisdictional determinations associated with the permit.
- APPEAL: If you choose to decline the proffered permit (Standard or LOP) because of certain terms and conditions therein, you
 may appeal the declined permit under the Corps of Engineers Administrative Appeal Process by completing Section II of this
 form and sending the form to the division engineer. This form must be received by the division engineer within 60 days of the
 date of this notice.
- C: PERMIT DENIAL: You may appeal the denial of a permit under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the division engineer. This form must be received by the division engineer within 60 days of the date of this notice.
- D: APPROVED JURISDICTIONAL DETERMINATION: You may accept or appeal the approved JD or provide new information.
- ACCEPT: You do not need to notify the Corps to accept an approved JD. Failure to notify the Corps within 60 days of the date of this notice, means that you accept the approved JD in its entirety, and waive all rights to appeal the approved JD.
- APPEAL: If you disagree with the approved JD, you may appeal the approved JD under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the division engineer. This form must be received by the division engineer within 60 days of the date of this notice.
- E: PRELIMINARY JURISDICTIONAL DETERMINATION: You do not need to respond to the Corps regarding the preliminary JD. The Preliminary JD is not appealable. If you wish, you may request an approved JD (which may be appealed), by contacting the Corps district for further instruction. Also you may provide new information for further consideration by the Corps to reevaluate the JD.

SECTION II - REQUEST FOR APPEAL or OBJECTIONS TO A				
REASONS FOR APPEAL OR OBJECTIONS: (Describe your re-				
proffered permit in clear concise statements. You may attach addi	tional information to this form to	clarify where your reasons or		
objections are addressed in the administrative record.)				
	ч			
ADDITIONAL INFORMATION: The appeal is limited to a review				
record of the appeal conference or meeting, and any supplemental				
clarify the administrative record. Neither the appellant nor the Cor				
you may provide additional information to clarify the location of it	iformation that is already in the a	dministrative record.		
POINT OF CONTACT FOR QUESTIONS OR INFORMATION:				
If you have questions regarding this decision and/or the appeal		ding the appeal process you may		
process you may contact:	also contact:			
Project Manager as noted in letter	Michael F. Bell			
110)ect Hanager as noted in recter	404-562-5137			
	/			
RIGHT OF ENTRY: Your signature below grants the right of entry to Corps of Engineers personnel, and any government				
consultants, to conduct investigations of the project site during the				
notice of any site investigation, and will have the opportunity to pa	~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~			
	Date:	Telephone number:		
Canadrusa Afanna Hast ar a cont				
Signature of appellant or agent.		Accordings		

DEPARTMENT OF THE ARMY PERMIT

Permittee:

Palm Beach County

Department of Environmental Resources Management

2300 North Jog Road

West Palm Beach, FL 33411-2743

Permit No: SAJ-1999-5265(IP-JWH)

Issuing Office: U.S. Army Engineer District, Jacksonville

NOTE: The term "you" and its derivatives, as used in this permit, means the permittee or any future transferee. The term "this office" refers to the appropriate district or division office of the Corps of Engineers having jurisdiction over the permitted activity or the appropriate official of that office acting under the authority of the commanding officer.

You are authorized to perform work in accordance with the terms and conditions specified below.

Project Description: The applicant proposes to construct three breakwaters with one measuring 45-foot X 15-foot and two measuring 35-foot X 12-foot. Breakwaters will be constructed of 3-4 foot limestone boulders. The applicant also proposes to rework an existing granite jetty of the south side of island.

Project Location: Peanut Island is located in the north-central Lake Worth Lagoon Estuary in designated Class III-Outstanding Florida Waters. It is bordered to the east by the Lake Worth Inlet and to the west by the Intracoastal Waterway. The project is located within waters adjacent to eastern and southern shoreline of Peanut Island, (Section 34, Township 42 S, Pange 43 E) in Palm Beach County, Florida.

Directions to site: Directions to the site are as follows: By boat from Phil Foster Park, go south through Lake Worth Lagoon to the Lake Worth Inlet. Turn west and arrive at Peanut Island public boat dock.

Latitude & Longitude: Latitude 26.7706964804 North Longitude 80.0473124473 West

Permit Conditions

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General Conditions:

1. The time limit for completing the work authorized ends on OCT 0 6 2013 If you find that you need more time to complete the authorized activity, submit your request for a time extension to this office for consideration at least one month before the above date is reached.

- 2. You must maintain the activity authorized by this permit in good condition and in conformance with the terms and conditions of this permit. You are not relieved of this requirement if you abandon the permitted activity, although you may make a good faith transfer to a third party in compliance with General Condition 4 below. Should you wish to cease to maintain the authorized activity or should you desire to abandon it without a good faith transfer, you must obtain a modification of this permit from this office, which may require restoration of the area.
- 3. If you discover any previously unknown historic or archeological remains while accomplishing the activity authorized by this permit, you must immediately notify this office of what you have found. We will initiate the Federal and State coordination required to determine if the remains warrant a recovery effort or if the site is eligible for listing in the National Register of Historic Places.
- 4. If you sell the property associated with this permit, you must obtain the signature and the mailing address of the new owner in the space provided and forward a copy of the permit to this office to validate the transfer of this authorization.
- 5. If a conditioned water quality certification has been issued for your project, you must comply with the conditions specified in the certification as special conditions to this permit. For your convenience, a copy of the certification is attached if it contains such conditions (Attachment A).
- 6. You must allow representatives from this office to inspect the authorized activity at any time deemed necessary to ensure that it is being or has been accomplished in accordance with the terms and conditions of your permit.

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Special Conditions:

- 1. All reports, documentation and correspondence required by the conditions of this permit shall be submitted to the following address: U.S. Army Corps of Engineers, Regulatory Division, Enforcement Section, P.O. Box 4970, Jacksonville, FL 32232. The Permittee shall reference this permit number, SAJ-1999-5265(IP-JWH), on all submittals.
- 2. Prior to the initiation of any of the work authorized by this permit the Permittee shall install floating turbidity barriers with weighted skirts that extend to within 1 foot of the bottom around all work areas that are in, or adjacent to, surface waters. The turbidity barriers shall remain in place and be maintained until the authorized work has been completed and all erodible materials have been stabilized.
- 3. The Permittee shall use only clean fill material for this project. The fill material shall be free from items such as trash, debris, automotive parts, asphalt, construction materials, concrete block with exposed reinforcement bars, and soils contaminated with any toxic substance, in toxic amounts in accordance with Section 307 of the Clean Water Act. The rock shall have a diameter of 12 to 36 inches.
- 4. The Permittee shall comply with the Standard Manatee Construction Conditions and the Standard Construction Condition for Seaturtles and Smalltooth Sawfish provided in Attachment B of this permit.
- 5. The Permittee understands and agrees that, if future operations by the United States require the removal, relocation, or other alteration, of the structures or work herein authorized, or if in the opinion of the Secretary of the Army or his authorized representative, said structure or work shall cause unreasonable obstruction to the free navigation of the navigable waters, the Permittee will be required, upon due notice from the Corps of Engineers, to remove, relocate, or alter the structural work or obstructions caused thereby, without expense to the United States. No claim shall be made against the United States on account of any such removal or alteration.

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6. Within 60 days of completion of the authorized work or at the expiration of the construction window of this permit, whichever occurs first, the Permittee shall complete the attached "Self-Certification Statement of Compliance" form (Attachment C) and submit to the Corps. In the event that the completed work deviates, in any manner, from the authorized work, the Permittee shall describe, on the Self-Certification Form, the deviations between the work authorized by the permit and the work as constructed. Please note that the description of any deviations on the Self-Certification Form does not constitute approval of any deviations by the Corps.

Further Information:

- 1. Congressional Authorities: You have been authorized to undertake the activity described above pursuant to:
- (X) Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. 403).
 - (X) Section 404 of the Clean Water Act (33 U.S.C. 1344).
- () Section 103 of the Marine Protection, Research and Sanctuaries Act of 1972 (33 U.S.C. 1413).
 - 2. Limits of this authorization.
- a. This permit does not obviate the need to obtain other Federal, State, or local authorizations required by law.
- b. This permit does not grant any property rights or exclusive privileges.
- c. This permit does not authorize any injury to the property or rights of others.
- d. This permit does not authorize interference with any existing or proposed Federal projects.
- 3. Limits of Federal Liability. In issuing this permit, the Federal Government does not assume any liability for the following:

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- a. Damages to the permitted project or uses thereof as a result of other permitted or unpermitted activities or from natural causes.
- b. Damages to the permitted project or uses thereof as a result of current or future activities undertaken by or on behalf of the United States in the public interest.
- c. Damages to persons, property, or to other permitted or unpermitted activities or structures caused by the activity authorized by this permit.
- d. Design or construction deficiencies associated with the permitted work.
- e. Damage claims associated with any future modification, suspension, or revocation of this permit.
- 4. Reliance on Applicant's Data: The determination of this office that issuance of this permit is not contrary to the public interest was made in reliance on the information you provided.
- 5. Reevaluation of Permit Decision: This office may reevaluate its decision on this permit at any time the circumstances warrant. Circumstances that could require a reevaluation include, but are not limited to, the following:
- a. You fail to comply with the terms and conditions of this permit.
- b. The information provided by you in support of your parmit application proves to have been false, incomplete, or inaccurate (see 4 above).
- c. Significant new information surfaces which this office did not consider in reaching the original public interest decision.

Such a reevaluation may result in a determination that it is appropriate to use the suspension, modification, and revocation procedures contained in 33 CFR 325.7 or enforcement procedures such as those contained in 33 CFR 326.4 and 326.5. The referenced enforcement procedures provide for the issuance of an

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administrative order requiring you comply with the terms and conditions of your permit and for the initiation of legal action where appropriate. You will be required to pay for any corrective measures ordered by this office, and if you fail to comply with such directive, this office may in certain situations (such as those specified in 33 CFR 209.170) accomplish the corrective measures by contract or otherwise and bill you for the cost.

6. Extensions: General Condition 1 establishes a time limit for the completion of the activity authorized by this permit. Unless there are circumstances requiring either a prompt completion of the authorized activity or a reevaluation of the public interest decision, the Corps will normally give favorable consideration to a request for an extension of this time limit.

Page 7 of 9

Your signature below, as permittee, indicates that you accept and agree to comply with the terms and conditions of this permit.

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This permit becomes effective when the Federal official, designated to act for the Secretary of the Army, has signed below.

(DISTRICT ENGINEER)

Paul L. Grosskruger

Colonel, U.S. Army

District Commander

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When the structures or work authorized by this permit are still in existence at the time the property is transferred, the terms and conditions of this permit will continue to be binding on the new owner(s) of the property. To validate the transfer of this permit and the associated liabilities associated with compliance with its terms and conditions, have the transferee sign and date below.

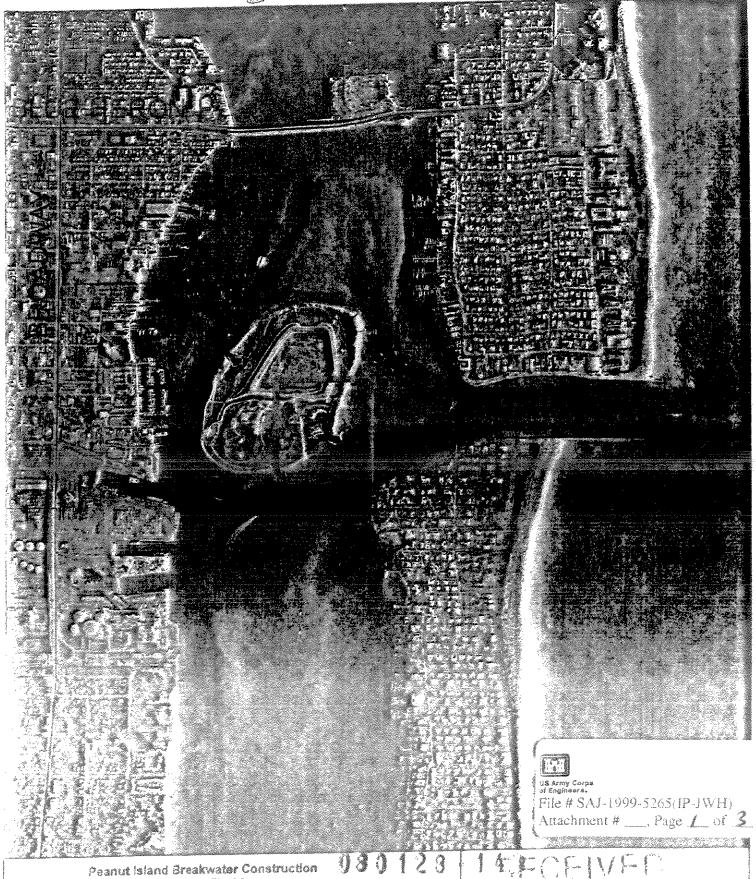
(TRANSFEREE-SIGNATURE)	(DATE)
	•
(NAME-PRINTED)	
(ADDRESS)	
(CITY, STATE, AND ZIP CODE)	

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Attachments to Department of the Army Permit Number SAJ-1999-5265(IP-JWH)

- 1. PERMIT DRAWINGS: 3 pages.
- 2. WATER QUALITY CERTIFICATION: Specific Conditions of the water quality permit/certification in accordance with General Condition number 5 on page 2 of this DA permit. Attachment A, 1 page.
- 3. Additional Documents: Standard Construction Conditions for Sea Turtles and Small Tooth Sawfish (Attachment D) and Manatee Construction Conditions (Attachment B).
- 4. Self Certification Form. Attachment C.

Attachment 1: Penut Island Project ocation Map



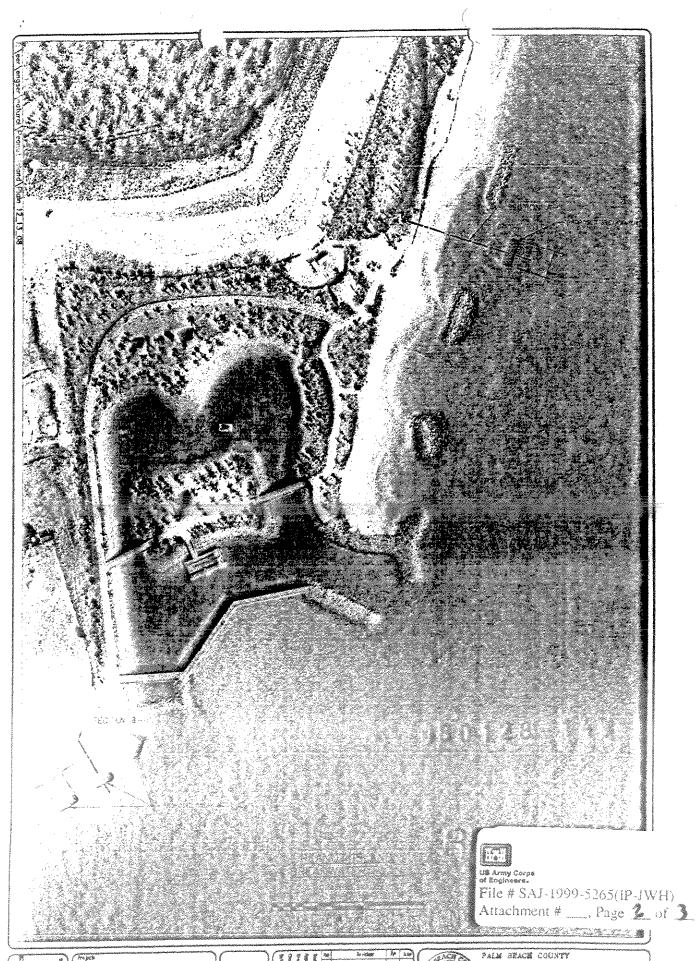
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January 2008:

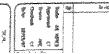
Palm Beach County
Department of Environmental Resources Management
Soort will be Road, 4th Floor

Section 34, Township 42S, Range 43E Tax Parcel ID 00-43-42-27-00-000-7000

Palm Beach County, Florida



PEANUT ISLAND





PALM SEACE COUNTY
DEPARTMENT OF
ENVIRONMENTAL RESOURCES MANAGEMENT
BEGG NORTE LOG ROAD, 412 PLOOR
VEST PALM SEACE, FLORIDA 33411

(CLV# 1.30/N.3V)

US Amy Corps
of Engineers.
File # SAJ-1999-5265(IP-JWH)

Application No.: 080128-14 Page 5 of 5

SPECIAL CONDITIONS

- 1. The construction phase of this permit shall expire on February 28, 2013.
- 2. Maintenance of the breakwaters and jetty shall be the responsibility of PALM BEACH COUNTY.
- 3. The permittee shall be responsible for the correction of any erosion, shoaling or water quality problems that result from the construction or operation of the surface water management system.
- Measures shall be taken during construction to insure that sedimentation and/or turbidity violations do not occur in the receiving water.
- 5. The District reserves the right to require that additional water quality treatment methods be incorporated into the drainage system if such measures are shown to be necessary.
- Facilities other than those stated herein shall not be constructed without an approved modification of this
 permit.
- 7. This permit is issued based on the applicant's submitted information which reasonably demonstrates that adverse water resource related impacts will not be caused by the completed permit activity. Should any adverse impacts caused by the completed surface water management system occur, the District will require the permittee to provide appropriate mitigation to the District or other impacted party. The District will require the permittee to modify the surface water management system, if necessary, to eliminate the cause of the adverse impacts.
- The exhibits and special conditions in this permit apply only to this application. They do not supersede or delete any requirements for other applications covered in Permit No. 50-03713-P unless otherwise specified herein.
- All barge activity shall occur only in areas where at least one-foot bottom clearance is maintained at all times.
- 10. Weighted turbidity screens or other such turbidity control measures shall be utilized during construction. The selected turbidity control measures shall be weighted to extend to the bottom of the waterway and shall surround the construction/work areas.



UNITED STATES DEPARTMENT OF COMMERCE National Oceanic and Atmospheric Administration NATIONAL MARINE FISHERIES SERVICE Southeast Regional Office 263 13th Avenue South St. Petersburg, FL 33701

SEA TURTLE AND SMALLTOOTH SAWFISH CONSTRUCTION CONDITIONS

The permittee shall comply with the following protected species construction conditions:

- a. The permittee shall instruct all personnel associated with the project of the potential presence of these species and the need to avoid collisions with sea turtles and smalltooth sawfish. All construction personnel are responsible for observing water-related activities for the presence of these species.
- b. The permittee shall advise all construction personnel that there are civil and criminal penalties for harming, harassing, or killing sea turtles or smalltooth sawfish, which are protected under the Endangered Species Act of 1973.
- c. Siltation barriers shall be made of material in which a sea turtle or smalltooth sawfish cannot become entangled, be properly secured, and be regularly monitored to avoid protected species entrapment. Barriers may not block sea turtle or smalltooth sawfish entry to or exit from designated critical habitat without prior agreement from the National Marine Fisheries Service's Protected Resources Division, St. Petersburg, Florida.
- d. All vessels associated with the construction project shall operate at "no wake/idle" speeds at all times while in the construction area and while in water depths where the draft of the vessel provides less than a four-foot clearance from the bottom. All vessels will preferentially follow deep-water routes (e.g., marked channels) whenever possible.
- e. If a sea turtle or smalltooth sawfish is seen within 100 yards of the active daily construction/dredging operation or vessel movement, all appropriate precautions shall be implemented to ensure its protection. These precautions shall include cessation of operation of any moving equipment closer than 50 feet of a sea turtle or smalltooth sawfish. Operation of any mechanical construction equipment shall cease immediately if a sea turtle or smalltooth sawfish is seen within a 50-ft radius of the equipment. Activities may not resume until the protected species has departed the project area of its own volition.
- f. Any collision with and/or injury to a sea turtle or smalltooth sawfish shall be reported immediately to the National Marine Fisheries Service's Protected Resources Division (727-824-5312) and the local authorized sea turtle stranding/rescue organization.
- g. Any special construction conditions, required of your specific project, outside these general conditions, if applicable, will be addressed in the primary consultation.

Revised: March 23, 2006 O:\forms\Sea Turtle and Smalltooth Sawfish Construction Conditions.doc





STANDARD MANATEE CONDITIONS FOR IN-WATER WORK July 2005

The permittee shall comply with the following conditions intended to protect manatees from direct project effects:

- a. All personnel associated with the project shall be instructed about the presence of manatees and manatee speed zones, and the need to avoid collisions with and injury to manatees. The permittee shall advise all construction personnel that there are civil and criminal penalties for harming, harassing, or killing manatees which are protected under the Marine Mammal Protection Act, the Endangered Species Act, and the Florida Manatee Sanctuary Act.
- b. All vessels associated with the construction project shall operate at "idle Speed/No Wake" at all times while in the immediate area and while in water where the draft of the vessel provides less than a four-foot clearance from the bottom. All vessels will follow routes of deep water whenever possible.
- c. Siltation or turbidity barriers shall be made of material in which manatees cannot become entangled, shall be properly secured, and shall be regularly monitored to avoid manatee entanglement or entrapment. Barriers must not impede manatee movement.
- d. All on-site project personnel are responsible for observing water-related activities for the presence of manatee(s). All in-water operations, including vessels, must be shutdown if a manatee(s) comes within 50 feet of the operation. Activities will not resume until the manatee(s) has moved beyond the 50-foot radius of the project operation, or until 30 minutes elapses if the manatee(s) has not reappeared within 50 feet of the operation. Animals must not be herded away or harassed into leaving.
- e. Any collision with or injury to a manatee shall be reported immediately to the FWC Hotline at 1-888-404-FWCC. Collision and/or injury should also be reported to the U.S. Fish and Wildlife Service in Jacksonville (1-904-232-2580) for north Florida or Vero Beach (1-561-562-3909) for south Florida.
- f. Temporary signs concerning manatees shall be posted prior to and during all inwater project activities. All signs are to be removed by the permittee upon completion of the project. Awareness signs that have already been approved for this use by the Florida Fish and Wildlife Conservation Commission (FWC) must be used. One sign measuring at least 3 ft. by 4 ft. which reads Caution: Manatee Area must be posted. A second sign measuring at least 81/2" by 11" explaining the requirements for "Idle Speed/No Wake" and the shut down of in-water operations must be posted in a location prominently visible to all personnel engaged in water-related activities.

FWC Approved Manatee Educational Sign Suppliers

ASAP Signs & Designs 624-B Pinellas Street

Clearwater, FL 33756 Phone: (727) 443-4878 Fax: (727) 442-7573

Wilderness Graphics, Inc.

P. O. Box 1635 Tallahassee, FL 32302 Phone: (850) 224-6414

Fax: (850) 561-3943

www.wildernessgraphics.com

Cape Coral Signs & Designs 1311 Del Prado Boulevard

Cape Coral, FL 33990 Phone: (239) 772-9992

Fax: (239) 772-3848

Municipal Supply & Sign Co.

1095 Fifth Avenue, North P. O. Box 1765

Naples, FL 33939-1765 Phone: (800) 329-5366 or

(239) 262-4639

Fax: (239) 262-4645

www.municipalsigns.com

Vital Signs

104615 Overseas Highway

Key Largo, FL 33037 Phone: (305) 451-5133

Fax: (305) 451-5163

Universal Signs & Accessories

2912 Orange Avenue Ft. Pierce, FL 34947

Phone: (800) 432-0331 or

(772) 461-0665

Fax: (772) 461-0669

New City Signs

1829 28th Street North

St. Petersburg, FL 33713 Phone: (727) 323-7897

Fax: (727) 323-1897

United Rentals Highway

Technologies

309 Angle Road Ft. Pierce, FL 34947

Phone: (772) 489-8772

or (800) 489-8758 (FL only)

Fax: (772) 489-8757

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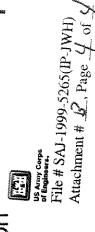
All project vessels

When a manakee is within 50 feet of work TO SOLD OCTIVITIES MUST

Report any collision or injury to:

-888-404-FWCC (1-888-404-3922)

Fiorial Fish and Wildlife Conservation Commission



SELF-CERTIFICATION STATEMENT OF COMPLIANCE

Permit Nu	mber:
name & Address (please print or type):
	Date Work Completed:
Date Work Started:	g. bank stabilization, residential or
commercial filling, docks,	areaging, ecc./.
Assaga or Square Feet of I	mpacts to Waters of the United States
Describe Mitigation complete	ed (if applicable):
Describe any Deviations from the deviations):	m Permit (attach drawing(s) depicting
and the second of the second o	
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the control of the co	d histgation of applicables was done tons and conditions as described to the described above are depicted on the
	Signature of Permittee
	Annual Annual Assessment of the control of the cont
J-1999-5265(IP-JWH)	Date